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09/734,839	12/11/2000	Harold Aaron Ludtke	80398.P416	4722

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EXAMINER

MIZRAHI, DIANE D

ART UNIT PAPER NUMBER

2165

DATE MAILED: 11/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/734,839	<b>Applicant(s)</b> LUDTKE ET AL.	
	<b>Examiner</b> DIANE D. MIZRAHI	<b>Art Unit</b> 2175	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2004.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-23 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 29 May 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

DIANE D. MIZRAHI  
PRIMARY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6-4-04/9-7-04</u> . | 6) <input type="checkbox"/> Other: _____  |

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### III. DETAILED ACTION

Claims 1-23 are presented for examination.

#### Claim Objections

Claim 21 is objected to because of the following informalities: Claim 21, (line 7), the word "difference" should read "different", before "remote source". Appropriate correction is required.

#### Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-6, 8-17, 19-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Ulvinen et al. (U.S. Patent # 6,393,305 and Ulvinen hereinafter).

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As to claim 1, Ulvinen discloses a method comprising:  
authorizing a user access to a device based on biometric  
information associated with the user (col 1, lines 56-59) see  
also (i.e. to provide an improved biometric system, in  
particular a voice actuated recognition system, that relies on a  
random set of words and or images . . . to provide a mobile  
station having a speech transducer, and a method and apparatus  
to authenticate or authorize a user of a wireless  
telecommunication system to operate in or through or with a  
resource reachable through the wireless telecommunication  
system, only if the user's speech characteristics match pre-  
stored characteristics associated with word selected randomly  
from a training set of words) (col 1, lines 55-65); receiving  
(Figure 2, System 32) by the device (Figure 2, System 32, (see  
also col 5, lines 13-28) private access information associated  
with the authorized user from a remote source (col 1, lines 55-  
65); and enabling the authorized user to access private  
information over a voice network device (see column 4, lines 56-  
67 and see column 5, lines 1-28, private information reads on  
bank account, voice network device reads on mobile phone); and  
sending (col 2, lines 21-43) by the device (i.e. through the  
action of as in the telecommunications environment) (col 2, lines  
21-43) over a voice network (see col 3, lines 1-22, cellular

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telephone connects to PSTN), the private access information (i.e. by the action of authenticating) (col 2, lines 21-30) (see also col 5, lines 13-28) to a different remote source to enable (col 2, lines 21-30) (see also mobile switching centers) (col 3, lines 3-11) the authorized user to access remote data on the different remote source (col 4, lines 58-62) see also (i.e. involved in a call, col 3, lines 3-11).

As to claim 2, Ulvinen discloses establishing a connection between the voice network and a consumer access device (see col 3, lines 1-22, cellular telephone connects to PSTN).

As to claims 3, 10 and 14, Ulvinen discloses wherein the consumer device is selected from the group consisting of digital wallet (DW) devices, personal computers (PCs), personal digital assistants (PDAs), electronic based organizers, watches, telephones, auto dialers, wireless telephones, set top boxes (STBs), video game consoles, remote control units, personal radio communication units, telematic communication devices, information panels, and kiosks. (personal communicator (col 3, lines 1-2) reads on digital wallet (DW) devices, personal digital assistants (PDAs), electronic based organizers, watches; data communication network (col 2, lines 40-41) reads on personal computers (PCs), set top boxes (STBs), video game consoles, information panels, kiosks; wireless telecommunication

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network (col 3, lines 41-42) reads on remote control units, personal radio communication units, telematic communication devices; mobile telephone (col 1, line 42) reads on telephones, auto dialers, wireless telephones).

As to claim 4, Ulvinen discloses enabling the authorized user to conduct a transaction using the consumer access device (see col 4, lines 56-67 and see col 5, lines 1-28, access bank account).

As to claim 5, Ulvinen discloses accessing the remote data through a privacy clearing house (see col 5, lines 1-28, Fig. 3); and transferring the remote data (see col 5, lines 1-28, signals the bank if the user is authorized or not).

As to claim 6, Ulvinen discloses wherein the remote data comprises: a password associated with the authorized user (i.e. image of a tree and the reply of birch along with SRF implies a password associated with the authorized user) (col 4, lines 22-49).

As to claim 8, Ulvinen discloses a biometric device to identify an authorized user based on biometric identification associated with the user (i.e. to provide an improved biometric system, in particular a voice actuated recognition system, that relies on a random set of words and or images . . . to provide a mobile station having a speech transducer, and a method and

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apparatus to authenticate or authorize a user of a wireless telecommunication system to operate in, or through, or with a resource reachable through the wireless telecommunication system, only if the user's speech characteristics match pre-stored characteristics associated with word selected randomly from a training set of words) (col 1, lines 55-65); (see col 1, lines 57-67); and a consumer access device connected to the biometric device (see col 3, lines 53-63, mobile phone with SRF) see also col 1, lines 56-59) to enable the authorized user to receive access information associated with the authorized user from a remote source and to (see col 4, lines 56-67 and see col 5, lines 1-28, private information reads on bank account, voice network device reads on mobile phone); and to send (col 2, lines 21-43) over a voice network (see col 3, lines 1-22, cellular telephone connects to PSTN), the private access information (i.e. by the action of authenticating) (col 2, lines 21-30) (see also col 5, lines 13-28) to a different remote source to enable (col 2, lines 21-30) (see also mobile switching centers) (col 3, lines 3-11) the authorized user to access remote data on the different remote source (col 4, lines 58-62) see also (i.e. involved in a call, col 3, lines 3-11).

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As to Claims 9 and 13, Ulvinen discloses means authorizing a user based on biometric information associated with the user (see col 1, lines 57-67) also see (i.e. to provide an improved biometric system, in particular a voice actuated recognition system, that relies on a random set of words and or images . . . to provide a mobile station having a speech transducer... (col 1, lines 55-65; see also col 4, lines 56-67; col 5, lines 1-28) means for sending (col 2, lines 21-43) over a voice network (see column 3, lines 1-22, cellular telephone connects to PSTN), the private access information (i.e. by the action of authenticating) (col 2, lines 21-30) (see also col 5, lines 13-28) to a different remote source to enable (col 2, lines 21-30) (see also mobile switching centers) (col 3, lines 3-11) the authorized user to access remote data on the different remote source (col 4, lines 58-62) see also (i.e. involved in a call, col 3, lines 3-11).

As to claim 11, Ulvinen discloses authorizing a user based on biometric identification information associated with the user (see col 1, lines 57-67); receiving, by the device, (Figure 2, System 32, (see also col 5, lines 13-28) private access information associated with the authorized user from a remote source the private access information (i.e. by the action of authenticating) (col 2, lines 21-30) (see also col 5, lines 13-



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28; see also i.e. to authenticate users for other locations... for example, assume that the user of the mobile station 10 telephones the bank 38D and wishes to access an account) (col 5, lines 13-28) to a different remote source to enable (col 2, lines 21-30) (see also mobile switching centers) (col 3, lines 3-11) the authorized user to access remote data on the different remote source (col 4, lines 58-62) see also (i.e. involved in a call, col 3, lines 3-11); see also (i.e. for example, assume that the user of the mobile station 10 telephones the bank 38D and wishes to access an account) (col 5, lines 13-28) over a voice network device (see col 4, lines 56-67 and see col 5, lines 1-28, access bank account over mobile phone).

As to claim 12, Ulvinen discloses a memory for storing computer program instructions and data (see column 3, lines 46-53); and a processor (see col 3, lines 46-53, operating program implies a processor) coupled to the memory for processing the computer program instructions and data to authorize user based on biometric identification information associated with the user (see col 1, lines 57-67); receive (Figure 2, System 32, (see also col 5, lines 13-28) private access information associated with the authorized user (i.e. by the action of authenticating) (col 2, lines 21-30) (see also col 5, lines 13-28; see also i.e. to authenticate users for other locations... for example, assume

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that the user of the mobile station 10 telephones the bank 38D and wishes to access an account) (col 5, lines 13-28) from a remote source col 4, lines 58-62) see also (i.e. involved in a call, col 3, lines 3-11).

As to claim 15, Ulvinen discloses a consumer access device with a communications unit (see col 1, lines 41-48, mobile telephone) and a biometric device to authorize a user access to the consumer assess device; (col 1, lines 41-59) a storage unit to store private access information associated with the authorized user received from a remote source (col 5, line 8) (see col 3, lines 53-67 and see col 4, lines 1-3, SRF usage to make a telephone call; see also col 2, lines 40-51), the consumer access device to send, (i.e. through the action of as in the telecommunications environment) (col 2, lines 21-43) over a voice network (i.e. cellular telephone connects to PSTN, see col 3, lines 1-22), the private access information (i.e. by the action of authenticating) (col 2, lines 21-30) (see also col 5, lines 13-28; see also i.e. to authenticate users for other locations... for example, assume that the user of the mobile station 10 telephones the bank 38D and wishes to access an account) (col 5, lines 13-28) to a different remote source to enable (col 2, lines 21-30) (see also mobile switching centers) (col 3, lines 3-11) the authorized user to access remote data on the different

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remote source (col 4, lines 58-62) see also (i.e. involved in a call, col 3, lines 3-11); see also (i.e. for example, assume that the user of the mobile station 10 telephones the bank 38D and wishes to access an account) (col 5, lines 13-28) over a voice network device (see col 4, lines 56-67 and see col 5, lines 1-28, access bank account over mobile phone).

As to claim 16, Ulvinen discloses a communication unit to communicate prespecified information upon biometric identification of the authorized user (see col 5, lines 13-28, user can only access his account information with this particular bank).

As to claim 17, Ulvinen discloses an encrypted communications unit (see col 4, lines 50-53).

As to claim 19, Ulvinen discloses establishing a secure communication link with the consumer access device before allowing transfer of information (i.e. performed in a mobile station having a speech transducer for inputting the user's speech, while in another embodiment at least one of the steps of selecting or synthesizing, prompting, and authenticating are performed in a wireless telecommunications network that is coupled between the mobile station and a telephone network) (Abstract).

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As to claim 20, Ulvinen discloses wireless communications unit (see col 3, lines 1-22).

As to claim 21, Ulvinen discloses means for biometric identification to authorize a user (see col 3, lines 52-67, Fig. 1 SRF 29); means for displaying information to the authorized user (see col 3, lines 34-52, Fig. 1 display 20); means for receiving authorized user input; and (see col 3, lines 34-52, Fig. 1 keypad 22); and means for accepting authorized user input (col 5, lines 13-28); (see col 3, lines 11-22) means for sending (col 2, lines 21-43) by the device (i.e. through the action of as in the telecommunications environment) (col 2, lines 21-43) over a voice network (see col 3, lines 1-22, cellular telephone connects to PSTN), the private access information (i.e. by the action of authenticating) (col 2, lines 21-30) (see also col 5, lines 13-28) to a different remote source to enable (col 2, lines 21-30) (see also mobile switching centers) (col 3, lines 3-11) the authorized user to access remote data on the different remote source (col 4, lines 58-62) see also (i.e. involved in a call, col 3, lines 3-11).

As to claim 22, Ulvinen discloses means for sending (col 2, lines 21-43) via tones (see col 3, lines 1-22, mobile telephone implies communicating via tones).

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As to claim 23, Ulvinen discloses wherein the tones are communicated over a telephony-based system (see col 3, lines 1-22).

**Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ulvinen et al. (U.S. Patent # 6,393,305 and Ulvinen hereinafter) in view of Bisbee et al. (U.S. Patent # 6,237,096 and Bisbee hereinafter).

The teachings of Ulvinen have been discussed above.

As to claim 7, Ulvinen does not teach wherein accessing further comprises establishing a secure communication channel using Public Key Infrastructure (PKI).

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Bisbee et al. teaches wherein accessing further comprises establishing a secure communication channel using Public Key Infrastructure (PKI) (see column 2, lines 13-21).

It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Ulvinen with the of Bisbee to include wherein accessing further comprises establishing a secure communication channel using Public Key Infrastructure (PKI) with the motivation to ensure that the party originating a document is electronically identifiable (Bisbee, col 2, lines 13-21) to provide for the ability for authentication, privacy and integrity of the communicated information... and the ability to detect any alteration of the ... documents (Bisbee, col 1, lines 29-39).

As to claim 18, Ulvinen does not teach wherein the consumer access device allows automatic receipt and updating of the private access information stored in the storage unit.

Bisbee teaches wherein the consumer access device allows (i.e. a first certificate ...and time stamps...) (col 3, lines 5-19) automatic receipt and updating of the private access information stored in the storage unit (see column 12, lines 1-67, a chronicle evidencing the transfer is created, the withdrawal of

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an offer anytime prior to its acceptance and the transfer of the record can also be seen).

It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Ulvinen with the of Bisbee to include wherein the consumer access device allows automatic receipt and updating of the private access information stored in the storage unit with the motivation to ensure that the party originating a document is electronically identifiable (Bisbee, col 2, lines 13-21) to provide for the ability for authentication, privacy and integrity of the communicated information... and the ability to detect any alteration of the ... documents (Bisbee, col 1, lines 29-39) it and to help establishment of a verifiable evidence trail, or chain of custody, by date and time stamping (Bisbee, col 3, lines 5-19).

**Other Prior Art Made of Record**

The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. U.S. patents and U.S. patent application publications will not be supplied with Office actions. Examiners advises the Applicant that the cited U.S. patents and patent application publications are available for download via the Office's PAIR. As an alternate source, all U.S. patents and patent application publications are

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available on the USPTO web site ([www.uspto.gov](http://www.uspto.gov)), from the Office of Public Records and from commercial sources. For the use of the Office's PAIR system, Applicants may refer to the Electronic Business Center (EBC) at <http://www.uspto.gov/ebc/index.html> or 1-866-217-9197.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Diane D. Mizrahi whose telephone number is 571-272-4079. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on (571) 272-4083. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-9731 for regular communications and (703) 305-3900 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



Diane D. Mizrahi  
Primary Patent Examiner  
Technology Center 2100

October 27, 2004